IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Bail Appl..No. 4673 of 2007()

CRIME NO.590/07 OF KUNNAMKULAM POLICE STATION

: PETITIONER/ACCUSED:

GEEVAR, AGED 34 YEARS,
S/O. IYYAPPAN, MANGAN HOUSE, THIRUTHIKKAD,
PORKULAM VILLAGE, THRISSUR.

BY ADV. SRI.NISHIN GEORGE VIJAYABABU

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, THRISSUR.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4673 of 2007

Dated this the 2nd day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. The co-accused have already been granted anticipatory bail. The marriage took place on 12.09.05. The couple are not blessed with any children. There is strain in the matrimonial tie. A complaint was filed before the Magistrate, which was referred to the police by the Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioner. In coming to this conclusion, I take note of the fact that arrest and incarceration of the petitioner in custody is likely to mar all possibilities of a harmonious reconciliation. I do further note that there is no allegation of any such physical cruelty which had resulted in injuries. Appropriate directions can of course be imposed.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 10.08.2007. He shall be enlarged on regular bail on his

executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 11.08.2007 and 12.08.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 10.08.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.08.07.

(R.BASANT, JUDGE)

rtr/-